

Remarks

Claims 1-10 were previously withdrawn from consideration and are canceled herewith. Claims 11-14 and 16-19 were previously pending in the application. Claims 11, 18, and 19 are amended herewith for clarity. Therefore, claims 11-14 and 16-19 are currently pending in the application. No new matter has been added by the amendments. Reconsideration is respectfully requested.

Election/Restriction

The Examiner has indicated that a complete reply to this final rejection must include cancellation of non elected claims 1-10 or other appropriate action. Applicant submits that claims 1-10 have been canceled herewith. Therefore, the rejection to the claims should be withdrawn.

Rejections Under 35 U.S.C. §112

Claims 11-19 were rejected under 35 U.S.C. §112, 2nd paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Office action, at 2. "Claims 11, 18-19 recite the limitation 'said polycrystalline semiconductor plug'. There is insufficient antecedent basis for this limitation in the claim. It is suggested to change all of the limitation 'said polycrystalline semiconductor plug' to 'said doped polycrystalline semiconductor plug material'." Office action, at 2-3.

In response, Applicant submits that claims 11, 18-19 have been amended as suggested by the Examiner. Thus, the rejections to these claims should be withdrawn. As claims 12-14 and 16-17 depend from claim 11, Applicant submits that the rejection to these claims should be withdrawn for at least the same reason as claim 11. Applicant notes that claim 15 was

canceled in the response to the last Office action and is therefore not addressed here.

Rejections Under 35 U.S.C. §102

Claim 19 was rejected under 35 U.S.C. §102 (b) as being anticipated by Haver et al. This rejection is respectfully traversed.

In rejecting claim 19, the Examiner states that "Haver et al. teaches a method of fabricating an electronic device comprising: ...*Depositing a nitride dielectric separate layer* (30, silicon oxy-nitride, see col. 3, lines 46-48) directly over the polycrystalline semiconductor plug and on an uppermost surface of the film stack (see col. 3, lines 22+, figure 7)...." Office action, at 3 (emphasis added).

Applicant respectfully disagrees that Haver et al. teach depositing a nitride dielectric separate layer on an uppermost surface of the film stack and over the plugs of Haver. As stated in Haver et al., "[o]xide layer 30 is formed on plugs 28 and substrate 12." Haver et al., col. 3, lines 21-22. Further, as seen in Figure 7, oxide layer 30 is deposited on the plugs 28; however, it is not deposited on an uppermost surface of the film stack, which is insulating layer 16.

In contrast, claim 19 of the present invention recites, "depositing a nitride dielectric separation layer directly over said polycrystalline semiconductor plug and on an uppermost surface of said film stack...." Though layer 30 of Haver et al. is deposited over plugs 28, it is not deposited over an uppermost surface of the film stack 16. "It is elementary that an anticipation rejection requires a showing that each limitation of a claim must be found in a single reference, practice, or device." *In re Donohue*, 766 F. 2d 531, 534 (Fed. Cir. 1985). Here, as layer 30 is not deposited over an uppermost surface of the film stack, or layer 16, Haver et al., fails to anticipate claim 19.

Further, Haver et al. fails to suggest claim 19. Haver et al. discloses that nitride layer 32 of is deposited on the uppermost surface of the film stack, layer 16 but it is not deposited directly over the plugs 28. Haver et al. provides no suggestion to modify Haver et al. such that layer 32 is deposited *both* on the plugs 28 and on the uppermost surface of the film stack, layer 16. Further Haver et al, provides no suggestion to modify Haver et al., such that layer 30 is deposited *both* on the plugs 28 and on the uppermost surface of the film stack, layer 16. Claim 19 recites depositing a nitride dielectric separation layer directly over the plug and on an uppermost surface of the film stack. However, the cited Haver et al. reference fails to teach or suggest this limitation. Therefore, Haver et al. fail to teach or suggest claim 19. Accordingly, the rejection to claim 19 should be withdrawn for at least these reasons.

Conclusion

For at least the reasons submitted above, Applicant submits that claims 11-14 and 16-19 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.

If the Examiner's next action is other than allowance of the pending claims, the Examiner is respectfully requested to call Applicant's attorney at (408) 297-9733.

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic system in accordance with § 1.6(a)(4) on the date shown below.

Signed: _____

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